

Law Commission considers introduction of consumer class action regime

1 May 2026



On 20 April 2026, the Law Commission announced that it is considering the introduction of a consumer class action regime in England and Wales. Its stated aims are to improve consumer access to redress by securing remedies through the courts, ensuring that damages are distributed to the affected classes and promoting the efficient conduct of litigation at proportionate cost. The potential scope of the regime is broad and may have significant implications for consumer-facing organisations.

Key takeaways

- 1 The proposed collective action regime could have wide-reaching implications across multiple sectors.
- 2 The proposed regime could potentially increase litigation risk for businesses, both in terms of the number and volume of new consumer class action claims.
- 3 The deadline for responding to the Law Commission's [initial scoping questionnaire](#) is Wednesday, 30 October 2026.

Current regime

The introduction of a consumer class action regime has been under consideration for some time. At present, collective redress in England and Wales is available through:

- **Collective Proceedings Orders** in the Competition Appeal Tribunal (the CAT), which allow for both “opt-in” and “opt-out” claims in relation to competition law breaches.
- **Representative Actions** under Civil Procedure Rule 19.8, which permit a claimant to act as a representative for others where they share the “same interest”.

The Law Commission project: terms of reference

The Law Commission has been asked to assess the benefits and risks associated with introducing a consumer class action regime for consumer law claims, and to make recommendations regarding the design of any such regime.

According to its [terms of reference](#), the Law Commission will consider:

- What should constitute a consumer law claim for the purposes of any class action regime.
- Whether the regime should allow for both opt-in and opt-out claims.
- The criteria and process for commencing a class action, including how a class should be defined.
- Management of class action proceedings.
- Damages, costs and settlement, including the funding of claims, taking into account any reforms to litigation funding arising from the Civil Justice Council's review.

The Law Commission will also consider the Government's conclusions in its review of the current opt-out regime for competition claims in the CAT, including:

- Methods of financing opt-out collective proceedings and how available mechanisms can affect the intended functioning of the regimes.
- Whether certain sectors are disproportionately targeted by litigants.
- The effectiveness of damages distribution.
- Evidence of pent-up demand for opt-out consumer protection claims.
- The role of certification in an opt-out regime.
- How vulnerable opt-out collective proceedings are to being exploited or to creating a litigation culture.

The project will not consider whether existing substantive consumer rights and rights of redress are sufficient. The focus is therefore on the design of private enforcement mechanisms, not on expanding underlying consumer rights law.

This announcement signals a potentially significant shift in the litigation landscape. The introduction of a new opt-out class action regime in England and Wales could enable large-scale claims to be brought on behalf of consumers, without most class members needing to take active steps. This would represent a major development in the class actions space and increase litigation risk for businesses. Stakeholders, particularly consumer-facing organisations, should carefully assess the potential implications and consider engaging with the Law Commission's consultation process by responding to the [initial scoping questionnaire](#) by Wednesday, 30 October 2026.

We will be submitting a response to the Law Commission's questionnaire, drawing on our extensive experience of collective proceedings regimes in the UK and around the world. If you would like to discuss the potential implications for your organisation, please contact any member of our team.



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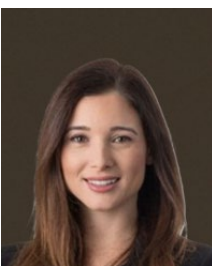
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